

seizure and condemnation of 75 cases of canned oysters, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the St. Michaels Packing Co., St. Michaels, Md., alleging that the article had been shipped from St. Michaels, Md., on or about March 20, 1923, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Sure-Go Brand Cove Oysters * * * Packed By The St. Michaels Packing Co. St. Michaels, Md. * * * Contents Weigh 5 Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the labels on the cans containing the article bore the following statements, designs, and devices regarding the said article and the ingredients and substances contained therein, "Cove Oysters * * * Contents Weigh 5 Oz.," which were false and misleading. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 5, 1923, the St. Michaels Packing Co., St. Michaels, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11549. Adulteration and misbranding of canned oysters. U. S. v. 190 cases of oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17474. I. S. No. 8008-v. S. No. W-1376.)

On April 24, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 190 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Pelican Lake Oyster & Packing Co., Ltd., New Orleans, La., alleging that the article had been shipped from New Orleans, La., March 16, 1923, and transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "'Pelican Lake' Brand Selected Oysters Net Contents 5 Oz. Packed by Pelican Lake Oyster & Packing Co. Ltd., Houma, La."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement appearing on the said label, to wit, "Oysters," was false and misleading and deceived and misled the purchaser.

On May 1, 1923, the Pelican Lake Oyster & Packing Co., Ltd., Houma, La., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$874, in conformity with section 10 of the act, conditioned in part that it be made to comply with the provisions of the law under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11550. Adulteration and misbranding of compound oil. U. S. v. 22 Cans of Compound Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15529. I. S. No. 15480-t. S. No. E-3601.)

On October 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 cans of compound oil, remaining in the original unbroken

packages at Hoboken, N. J., alleging that the article had been shipped by Crisafulli Bros., from New York, N. Y., on or about July 9, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that substances, oils other than olive oil, including peanut oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the package or label bore statements, designs, or devices, regarding the article or the ingredients or substances contained therein, as follows, "Finest Quality Table Oil La Migliore Brand Insuperabile Corn salad oil compound with Extra Fine Olive Oil Net Contents One Gallon," together with designs showing olive tree and olive spray bearing olives, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*